

RENTON CITY COUNCIL
Regular Meeting

March 12, 2001
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

DAN CLAWSON, Council President; KATHY KEOLKER-WHEELER; KING PARKER; DON PERSSON; RANDY CORMAN; TONI NELSON.

MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER,
COUNCIL EXCUSE ABSENT COUNCILMEMBER TERRI BRIERE.
CARRIED.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUE CARLSON, Economic Development Administrator; BETTY NOKES, Economic Development Director; JIM SHEPHERD, Community Services Administrator; LESLIE BETLACH, Parks Director; OWEN DENNISON, Senior Planner; DEREK TODD, Assistant to the CAO; CHIEF GARRY ANDERSON, Police Department.

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL APPROVE THE MINUTES OF MARCH 5, 2001, AS PRESENTED. CARRIED.

PROCLAMATION
“Absolutely Incredible Kid
Day” – March 15th

A proclamation by Mayor Tanner was read, declaring March 15, 2001, to be “Absolutely Incredible Kid Day” in the City of Renton, and encouraging all citizens to celebrate this special observance. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Donna Salomon accepted the proclamation on behalf of Camp Fire Boys and Girls.

PUBLIC MEETING
Annexation: Piele, 142nd Ave
SE & NE 6th St

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public meeting to consider the 10% Notice of Intent to Annex Petition for the Piele Annexation; approximately 20 acres located east and west of 142nd Ave. SE (Hoquiam Ave. NE) and south of NE 6th St. (SE 124th St.), if extended.

Owen Dennison, Senior Planner, described the proposed annexation area and pointed out that the area is comprised of 23 single-family homes on 30 parcels. Existing King County zoning is R-4, which allows up to a base density of four units per gross acre (up to six units per acres with incentives and transfer of density credits.) Renton’s Comprehensive Plan designates this area Residential Single Family, for which potential zoning includes R-8 (Residential Single Family; eight dwelling units per acre) and RMH (Residential Manufactured Home Park). He added that the portion that is within one-half mile from the urban growth boundary, somewhat over half the entire area, would also be eligible for R-5 (Residential Single Family; five dwelling units per acre).

Continuing, Mr. Dennison said that if annexed, Water District 90 would continue to provide water service to the area and all other services would be provided by the City. He noted the shortfall of parks in the area and the deteriorated

condition of 142nd Ave. SE. which would require maintenance if the area is annexed. Explaining that the proposed annexation is generally consistent with Renton's Comprehensive policies and the objectives of the King County Boundary Review Board, Mr. Dennison recommended that Council accept the 10% Notice of Intent to Annex petition.

Responding to Councilman Parker's inquiry regarding zoning, Mr. Dennison confirmed that the under any of the allowed zoning for the area, only single-family detached homes will be permitted. Councilman Parker pointed out that if the area is developed in King County, multi-family dwellings could potentially be allowed.

Council President Clawson clarified that the City is not establishing zoning at this time, and he noted that citizens will have additional opportunities to comment at two subsequent public hearings.

Pointing out that although King County assigns zoning density using gross acreage and Renton assigns density using net acreage, Mayor Tanner explained that King County's R-4 zone at maximum density is comparable to the City's R-8 zone. He noted that if the City assigns R-5 zoning to the portion that is within one-half mile of the urban growth boundary, the density would be less in Renton than in King County.

Public comment was invited.

The following people spoke in opposition to the proposed annexation: Jerry Madison, 12407 142nd Ave. SE, Renton, 98059; Michael Hertel, 14012 SE 126th St., Renton, 98059; Julie Madison, 12407 142nd Ave. SE, Renton, 98059; Alan Burk, 14106 SE 124th St., Renton, 98059; Gerald S. Lefler, 14110 SE 124th St., Renton, 98059; Mark Smith, 14114 SE 124th St., Renton, 98059; and Sylvia Lefler, 14110 SE 124th St., Renton, 98059. Comments related to concerns regarding the increase in housing, traffic and noise; sewer line installation; access to the area; and private road maintenance agreements.

At the request of Councilwoman Nelson, Les Piele, 14309 SE 125th St., Renton, 98059, pointed out the location of his parcel on the map. His property, located on the east side of 142nd Ave. SE, can be accessed from the Windsong development and SE 125th St.

Councilwoman Keolker-Wheeler said that according to the State's Growth Management Act, the City is required to annex property up to the urban growth boundary line. Asserting that the site is going to be developed whether or not it remains in King County or is annexed to the City, Ms. Keolker-Wheeler encouraged affected citizens to review the Growth Management Act and Countywide planning policies.

Two letters were read into the record in opposition to the proposed annexation from Michael J. Hertel, 14012 SE 126th St., Renton, 98059; and from Alan and Dana Burk, 14106 SE 124th St., Renton, 98059, Gerald and Sylvia Lefler, 14110 SE 124th St., Renton, 98059, Mark & Stacey Smith, 14114 SE 124th St., Renton, 98059, and Jerry J. Madison, 12407 142nd Ave. SE, Renton, 98059.

Correspondence was read from John McTighe, no address given, pointing out the existence of a filled-in wetland on the proposed annexation site. He requested that the subject site be zoned R-5 and encouraged the City to ensure that surface water from the site be properly routed.

Responding to Councilman Corman's comments regarding private roads, City Attorney Larry Warren stated that a private road is the same as private property. The City cannot take possession of private property unless it

condemns it; and to condemn property, the City must prove that it is doing so for the benefit of the general public and not a single developer.

MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL CLOSE THE PUBLIC MEETING. CARRIED.

Councilman Clawson compared public safety services provided by the City versus King County and emphasized the City's strong financial position.

MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL: ACCEPT THE 10% NOTICE OF INTENT TO ANNEX; AUTHORIZE CIRCULATION OF THE 60% PETITION; REQUIRE ADOPTION OF CITY ZONING ON THE PROPERTY CONSISTENT WITH THE COMPREHENSIVE PLAN; AND REQUIRE THAT THE PROPERTY OWNERS ASSUME A PROPORTIONAL SHARE OF THE CITY'S BONDED INDEBTEDNESS. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2001 and beyond. Items noted included:

- * Soroptomist International of Renton donated \$200 to the City of Renton's Scholarship Program, providing recreational and educational opportunities at the Community Center for those who might not otherwise be able to participate.
- * During the week of March 12th, the City will conduct emergency repairs of roadway sections on S. 7th St. due to damage sustained during the February 28th earthquake.

AUDIENCE COMMENT Citizen Comment: Hardy – Caring About Our Rich Environment, Environmental Awareness Organization

Dave C. Hardy, 19235 108th Ave. SE, #206, Renton, 98055, stated that he is a member of an environmental awareness organization called Caring About Our Rich Environment (CARE). Commenting that anyone who is interested in environmental awareness education can join CARE, Mr. Hardy detailed the process by which someone can become a member. In addition, Mr. Hardy described the structure of the organization.

Citizen Comment: Clifford – Emergency Medical Services (EMS) Levy

Chris Clifford, 2721 Talbot Rd., Renton, 98055, reported that King County is proposing to place another Emergency Medical Services (EMS) levy on the ballot this fall. Pointing out that King County promised voters three years ago that a stable funding source would be found for EMS, Mr. Clifford requested that the City ask King County not to place the levy on the ballot and hold King County to its promise.

For the record, Council President Clawson stated that the taxes he pays for EMS are well worth the money.

MOVED BY PARKER, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE MATTER REGARDING THE KING COUNTY EMS LEVY AND PERMANENT FUNDING FOR MEDIC ONE TO THE ADMINISTRATION AND COMMITTEE OF THE WHOLE. CARRIED.

Citizen Comment: Burk –
Annexing Property North of
Piele Annexation

Alan Burk, 14106 SE 124th St., Renton, 98059, expressed his concerns for residents living on SE 124th St. because there is another petition circulating to annex land north of the Piele Annexation area.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

Court Case: Linda Marie
Carroll, CRT-01-002

Court Case filed in King County Superior Court by Gary C. Techentien, PO Box 1317, Issaquah, 98027, on behalf of Linda Marie Carroll, alleging unreasonable arrest on July 18, 2000, and false imprisonment due to mistaken identity. Refer to City Attorney and Insurance Services.

EDNSP: Chamber of
Commerce Contract, Renton
Lodging Association's 2001
Promotion Plan

Economic Development, Neighborhoods and Strategic Planning Department recommended approval of a contract with the Greater Renton Chamber of Commerce to implement the Renton Lodging Association's 2001 Promotion Plan; and requested that the City dedicate \$83,375 in hotel/motel tax revenues towards this effort. Council concur.

**MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL
APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.**

OLD BUSINESS

Planning & Development Committee

Hearing Examiner: Appeal
Procedures

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the Hearing Examiner appeal procedure. The Council has previously indicated that it wishes appeals from the decisions of the Hearing Examiner to go to the City Council. City Code Section 4-8-110.E.8.b. requires that appeals from the action of the Hearing Examiner in cases of appeals from administrative determinations and environmental determinations would be made to Superior Court. This section of the City Code is contrary to City Council policy, and conflicts with City Code Section 4-8-080.G which requires the appeal to be to the Council.

The Planning and Development Committee recommended that the Council adopt the proposed ordinance deleting the Code section having appeals of administrative determinations and environmental determinations go to Superior Court. **MOVED BY KEOLKER-WHEELER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT.***

Responding to Councilman Parker's inquiry, City Attorney Larry Warren reported that there was conflicting language in the City Code regarding Hearing Examiner appeals. The intent of the ordinance is to make clear that all appeals of the Hearing Examiner's decisions go before the City Council.

***MOTION CARRIED.** (See page 79 for ordinance.)

Planning: Commercial Office
Residential 2 (COR 2) Zone
Site Plan Requirements

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding Commercial Office Residential 2 (COR 2) Zone Level II Site Plan requirements. The Level II Site Plan for COR 2 Zone parcels require that all adjacent or abutting properties zoned COR 2 jointly plan the development of those projects. That requirement currently applies only to the four parcels making up the proposed Port Quendall Project. Barbee Forest Products, Inc. has indicated that it may wish to develop its property independently. If that property is developed independently, then the current proposed Port Quendall Project would not be possible and there is no reason for the joint planning requirement. On the other hand, Barbee Forest Products is currently negotiating with Port Quendall Company to sell the Barbee Forest Products site to Port Quendall Company. If the project is sold, then it is a stated intent of Port Quendall Company to either buy the Quendall Terminals Project from the City, once the

property is cleaned up, or to enter into some other agreement to jointly develop the project. In any event, the code requirement for joint planning is superfluous.

The Planning and Development Committee recommended that the Council adopt the proposed ordinance deleting the requirement from the COR 2 Zone that Level II Site Plans include all contiguous and abutting property zoned COR 2 and requiring that the site plan be signed by all owners of those COR 2 zoned parcels. MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Responding to Councilman Parker's inquiry, Mayor Tanner explained that if the Barbee Mills property is sold to the Port Quendall Company, the COR 2 requirement becomes superfluous because the Port Quendall Company will be the sole developer of the Port Quendall Project. If Barbee Forest Products develops its property independently, then there is no need for the joint planning requirement. City Attorney Warren added that by removing this requirement from the City Code, the pending lawsuit against the City by Barbee Forest Products regarding this requirement can also be closed.

MOTION CARRIED. (See page 79 for ordinance.)

Finance Committee

Community Services: 200 Mill Bldg Lease (1st & 6th Floors), American Mortgage

Finance Committee Chair Parker presented a report authorizing the Mayor and City Clerk to sign a lease with American Mortgage, Inc. to lease the first and sixth floors of the 200 Mill Building. The five-year lease commences on March 15, 2001. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance: Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claim Vouchers 190585 - 190963, and three wire transfers totaling \$1,981,086.61; and approval of Payroll Vouchers 30318 - 30551 and 530 direct deposits totaling \$1,008,918.52. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance: Utility Rates, Repeal of Automatic Increases

Finance Committee Chair Parker presented a report recommending adoption of an ordinance that repeals the requirement of automatic rate increases for the City's utilities. This was placed into the City Code in 1999 to respond to requirements of Initiative 695. This initiative was found unconstitutional and further, the record demonstrates that the initiative was not intended to address user rates.

The Committee further recommended that the ordinance regarding this matter be presented for first reading. MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 79 for ordinance.)

Transportation (Aviation) Committee

Transportation: Remote Traffic Microwave Sensor Radar Count Stations Purchase

Transportation Committee Chair Persson presented a report regarding the purchase of Remote Traffic Microwave Sensor (RTMS) radar count stations. For the purpose of incident detection, determining transportation needs, and efficient traffic signal timing on Renton's major corridors, there is a need to purchase the tools to make possible the ability to efficiently and safely collect accurate vehicular volume, occupancy, speed and classification information.

The Transportation Committee recommended Council authorize the Administration to purchase and install two permanent RTMS radar count stations and one mobile RTMS radar unit. The units will be installed and

operated by City staff with the cost of the units funded through the Traffic Efficiency CIP account. MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation: Traffic Signal Installation at NE 4th St & 144th Ave SE

Transportation Committee Chair Persson presented a report regarding the Jericho Ave. NE (144th Ave. SE) and NE 4th St. traffic signal modification. Due to increased traffic volumes and citizen concerns, the Transportation Committee recommended that Council authorize the Administration to modify the operation of the traffic signal at Jericho Ave. NE (144th Ave. SE) and NE 4th St. for a protective permissive westbound left-turn movement. City staff will modify the traffic signal. The cost of material, approximately \$350, will be funded by the transportation "Traffic Hazard Elimination" CIP account. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Airport: Advisory Committee Facilitator, Hanson Engineers

Transportation (Aviation) Committee Chair Persson presented a report regarding the Airport Advisory Committee facilitator consultant contract. The Transportation (Aviation) Committee recommended that Council authorize the Mayor and City Clerk to enter into a consultant agreement with Hanson Engineers, Inc. to furnish facilitator services for the Airport Advisory Committee not to exceed \$30,000 during the year 2001. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Community Services Committee

City Clerk: South County Public Access Studio Operation, Puget Sound Access

Community Services Committee Chair Nelson presented a report regarding the South County Public Access Television Facility Operation. The Committee recommended that the City Council authorize the Mayor and City Clerk to execute an agreement with Puget Sound Access, a Washington non-profit corporation, to operate a public access facility on behalf of the City of Renton and five other South King County cities. The agreement shall terminate on September 13, 2008, concurrent with the expiration of the cable franchise between AT&T and the City. Continued funding for the public access facility will be the subject of future negotiations with AT&T prior to expiration of the existing franchise agreement.

On December 11, 2000, the Council authorized the Mayor and City Clerk to execute an agreement between AT&T and the cities of Renton, Kent, Auburn, Tukwila, SeaTac, and Burien to accept a buyout offer from AT&T in the amount of \$3,701,942.78 to fund the public access television facility, and approved the adoption of a resolution releasing AT&T from its franchise obligation to provide the facility. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Community Services: Landscape Maintenance Service, Facility Maintenance Contractors

Community Services Committee Chair Nelson presented a report recommending approval of the landscape maintenance contract with Facility Maintenance Contractors for \$103,770.03 to maintain 22 sites including right-of-ways, parks, trails, traffic circles, and Fire Station #14. This contract will go through December 31, 2001, with a one-year option to renew.

The Committee further recommended that the Mayor and City Clerk be authorized to execute the contract. MOVED BY NELSON, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Responding to Councilwoman Keolker-Wheeler's inquiry, Councilman Parker

reported that members of Local 2170 attended the Committee meeting and agreed that the City should move forward with the contract.

***MOTION CARRIED.**

Legal: Lawsuits (Reyes &
West Hill Community Council)

City Attorney Larry Warren informed Council of a newspaper article reporting that a lawsuit was filed against the City by the estate of Elsie Delos Reyes. He reported that the suit has not yet been served on the City, thus he was unable to inform Council of the lawsuit prior to the newspaper article.

In addition, Mr. Warren reported that a member of the West Hill Community Council filed a lawsuit on the Merlino-Empire Estates Annexation. Explaining that the lawsuit has procedural defects, he disclosed that the King County Boundary Review Board had not been properly served and the City had not been named as a defendant.

ORDINANCES AND RESOLUTIONS

Resolution #3492

City Clerk: South County
Public Access Studio, AT&T

The following resolution was presented for reading and adoption:

A resolution was read confirming fulfillment of the franchise obligation of TCI Cablevision of Washington, Inc., known as AT&T Broadband, to provide, operate, and maintain a public access facility. **MOVED BY PARKER, SECONDED BY NELSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

The following ordinances were presented for first reading and referred to the Council meeting of 03/19/2001 for second and final reading:

Finance: Utility Rates, Repeal
of Automatic Increases

An ordinance was read repealing Sections 8-1-9.D of Chapter 1, Garbage, 8-2-3.E.3 of Chapter 2, Storm and Surface Water Drainage, 8-4-31.B.3 of Chapter 4, Water, and 8-5-15.A.4 of Chapter 5, Sewers, of Title VIII (Health and Sanitation) of City Code relating to automatic increases in utility rates. **MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 03/19/2001. CARRIED.**

Hearing Examiner: Appeal
Procedures

An ordinance was read amending Section 4-8-110.E.8 of Chapter 8, Permits and Decisions, of Title IV (Development Regulations) of City Code by clarifying the appeal procedures for the decisions of the Hearing Examiner. **MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 03/19/2001. CARRIED.**

Planning: Commercial Office
Residential 2 (COR 2) Zone
Site Plan Requirements

An ordinance was read amending Sections 4-2-120.B of Chapter 2, Land Use Districts, and 4-8-120.D.19.k of Chapter 8, Permits and Decisions, of Title IV (Development Regulations) of City Code by deleting the requirement for properties that are adjacent or contiguous, zoned COR 2, to plan together for Site Plan Level II. **MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 03/19/2001. CARRIED.**

The following ordinances were presented for second and final reading and adoption:

Ordinance #4895

Franchise: Adelphia Business
Solutions Operations, Fiber
Optics System

An ordinance was read granting unto Adelphia Business Solutions Operations, Inc., a Delaware Corporation, its successors and assigns, the right, privilege, authority and franchise to install fiber optics cable underground together with appurtenances thereto, upon, over, under, along, and across the streets, avenues

and alleys of the City of Renton for the purpose of installing infrastructure to operate as a broadband digital communication provider and carrier utilizing switching and fiber optic facilities. MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #4896

Franchise: XO Washington,
Fiber Optics System

An ordinance was read granting unto XO Washington, Inc., a Washington Corporation, its successors and assigns, the right, privilege, authority and franchise to install fiber optics cable underground together with appurtenances thereto, upon, over, under, along, and across the streets, avenues and alleys of the City of Renton for the purpose of installing infrastructure to operate as a broadband digital communication provider and carrier utilizing switching and

fiber optic facilities. MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

NEW BUSINESS

Transportation: Aberdeen Ave
NE Paving Status

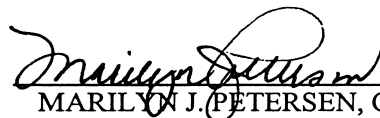
Councilman Persson requested a status report on the completion of the Aberdeen Ave. NE paving from NE 12th St. to NE 27th St.

EDNSP: City Center Garage

Councilwoman Keolker-Wheeler reported that the Planning & Development Committee met on the subject of the City Center Garage and recommended some changes to the agreements. The item also appears on the Finance Committee's agenda, and the recommended changes have been forwarded to the Finance Committee for consideration.

ADJOURNMENT

MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL ADJOURN. CARRIED. Time: 9:22 p.m.



MARILYN J. PETERSEN, CMC, City Clerk